

June 14, 2000

PINE TREE REALTY TRUST  
Appeal of CAD Decision No. 1999-7371  
Regarding Central Maine Power Company

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

Mr. John Capezzuto, on behalf of Pine Tree Realty Trust, appeals a decision of the Consumer Assistance Division (CAD) denying his complaint that sought adjustment to the Trust's electric bills because of inaccurate meter readings and that CMP be directed to install a new meter. We deny Mr. Capezzuto's appeal.

**II. BACKGROUND**

Pine Tree Realty Trust is a customer of CMP. Mr. Capezzuto is President of Samdell, Inc., trustee of the Pine Tree Realty Trust. Mr. Capezzuto complained to the CAD on September 11, 1999 because CMP refused to change the electric meter serving the Pine Tree Realty Trust's account and refused to adjust the Trust's electric bills based upon electric meter readings that Mr. Capezzuto believed were inaccurate. Mr. Capezzuto believes the meter in question produced readings that fluctuated unreasonably, producing inconsistent measurements which make the accuracy of the meter suspect. Since 1997, there has been construction in the vicinity of the meter, including considerable blasting. Mr. Capezzuto believes that the blasting has caused the meter to measure inaccurately. Mr. Capezzuto asked CMP for a new meter and to recalculate some of the bills based upon the readings produced by a new meter. CMP tested the meter and, because the meter tested accurately, refused to install a new meter or adjust the electric bills of the Pine Tree Realty Trust.

After Mr. Capezzuto's complaint to CAD, a second meter test was arranged during March, 2000. The meter again tested within the standards set out in Chapter 32 of our Rules. Accordingly, on April 7, 2000, the CAD specialist denied Mr. Capezzuto's complaint and upheld CMP's actions.

Mr. Capezzuto appeals the CAD's decision, believing still that the present meter has produced inconsistent readings showing wide variation in usage from month-to-month. Mr. Capezzuto acknowledges that the March 2000 meter test was conducted properly to measure the accuracy of the "flow rate." Mr. Capezzuto complains however, that CMP's meter test does not test for the other "element in the metering stage, ... the proper registration of the flow in meter form indicating how much electricity has passed."

Mr. Capezzuto argues that the “meter registration” of the meter was not tested as to accuracy of calibration. He asks the Commission to order CMP to install a new meter and to use the next twelve monthly meter readings as a bench mark to adjust prior bills.

### III. DECISION

The meter in question has been tested and found to be working within the standards set forth in Chapter 32 of the Commission Rules. Mr. Cappezzuto's reasons for questioning the meter readings at the Trust consist of blasting conducted in the neighborhood, inconsistent and fluctuating month-to-month readings, and the completeness of CMP's method of conducting meter tests.

None of the arguments raised by Mr. Cappezzuto provides evidence sufficient to cause us to question the accuracy of the meter that otherwise has tested accurately. We directed our staff to contact representatives of meter manufacturers concerning the potential effect that blasting might have on meter accuracy. The representatives stated that tests had demonstrated no significant change in meter accuracy after exposure to vibration. If blasting was close enough to cause the meter to actually vibrate, then while it was shaking, it may be possible to cause a temporary change in accuracy. However, because of the very short time duration of vibration even from numerous blasts, the overall effect would be insignificant, less than 1% in vibration tests. In addition, contrary to Mr. Cappezzuto's assertion, the method used by CMP to field test meters is satisfactory to completely verify the accuracy of meters. Accordingly, the appeal by Mr. Capezzuto on behalf of Pine Tree Realty Trust is denied.

Dated at Augusta, Maine, this 14th day of June, 2000.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud  
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Welch  
Nugent  
Diamond

### NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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